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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,661	04/04/2001	Arturo Mastelli	. 71312-0002	1917

7590 04/03/2003

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/824,661

Applicant(s)

MASTELLI, ARTURO

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/25/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,724,465 to Krauss et al in view of U.S. Patent No. 4,506,482 to Pracht et al.

Regarding claims 1, Krauss discloses a curtain wall structure having a framework with a series of panels. Krauss also discloses an insulating panel (fig. 6: 42) being flush with the frame. Krauss also discloses an outer tile (fig. 6: U) which is secured to the insulating panel and to the frame. This tile (fig. 6: U) is larger than the panel and overlaps the frame. However, Krauss does not disclose tiles adhered to the panels with silicone. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by adhering tiles in order to improve the aesthetics and make a better bond to the panel.

Regarding claim 2, Krauss discloses the panel as having an edge with angles (fig. 6: 42).

Regarding claim 3, Krauss discloses the panels as being on the same plane as the front surface of the frame (fig. 6).

Regarding claim 4, Krauss discloses the use of fasteners to secure the panels to the frame (fig. 15: 99).

Regarding claims 5 and 7, Krauss discloses the use of gaskets to seal and retain the peripheries (column 3, lines 41-42 and fig. 6: 47).

Regarding claim 6, Krauss discloses top and bottom retainers for securing the tiles to the frame (fig. 6: 40 & 48).

Regarding claims 8 and 14, Krauss discloses the size of the panels as being substantially the same as the size of the frame openings and the tiles as being larger than the frame opening.

Regarding claims 9, 10 and 12, Krauss in view of Pracht discloses the basic claim structure of the instant application but does not disclose specific dimensions. It would have been an obvious design choice to vary the widths of tiles and panels in order to decrease or increase the curtain wall weight and strength.

Regarding claim 11, Pracht discloses the use of ceramic tiles (column 2, line 53).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,045,933 to Grillo in view of U.S. Patent No. 4,506,482 to Pracht et al.

Regarding claim 13, Grillo discloses a prefabricated panel having a frame made from horizontal and vertical members (fig. 1) with a panel (fig. 5: 11) being substantially sized to fit between frame openings and substantially along the front plane of the frame and a tile (fig. 5: 2) placed upon the panel without having a visible connecting structure to connect the tiles to the frame. However, Grillo does not disclose tiles adhered to the panels with silicone. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Grillo by adhering tiles in order to improve the aesthetics and make a better bond to the panel.

Regarding claim 14, Grillo discloses the tiles as being larger than the frame openings and connected to the frame along their perimeter.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,782,636 to Stoakes in view of U.S. Patent No. 4,506,482 to Pracht et al.

Regarding claim 15, Stoakes discloses a curtain wall structure having a framework, made of aluminum (column 3, lines 2-3), with a series of panels which are substantially on the same plane as the frame and substantially sized to fit the frame openings and gaskets installed within (abstract). However, Stoakes does not disclose tiles adhered to the panels. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stoakes by adding tiles in order to improve the aesthetics.

***Response to Arguments***

Applicant's arguments filed 11/25/02 have been fully considered but moot under new grounds of rejections

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

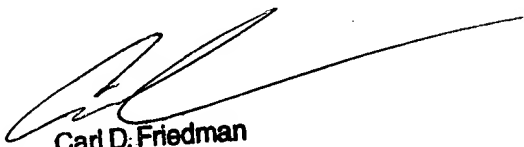
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Art Unit: 3635

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK 

3/31/03

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600